

APPEAL NO. 022753  
FILED DECEMBER 19, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on October 4, 2002. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable low back injury on \_\_\_\_\_; that the claimant had disability resulting from that injury beginning on January 14 and continuing through January 20, 2002; and that the appellant (self-insured) is not relieved from liability under Section 409.002 because of the claimant's alleged failure to notify her employer pursuant to Section 409.001. The self-insured appeals, arguing that the determinations are against the great weight and preponderance of the evidence. The appeal file did not contain a response from the claimant.

DECISION

Affirmed in part and reversed and rendered in part.

The claimant had the burden to prove that she sustained a compensable injury as defined by Section 401.011(10), and that she timely reported her injury to her employer within 30 days of the injury, or had good cause for failing to do so. Conflicting evidence was presented at the CCH on these issues. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. We conclude that the hearing officer's determinations that the claimant sustained a compensable injury and that she timely reported that injury are supported by sufficient evidence and are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer noted in his Statement of the Evidence that the injury on \_\_\_\_\_, did not interfere with the claimant's ability to work until the aggravation of the minor injury resulted in the claimant's being taken off work for a week. The claimant has the burden to prove disability. Texas Workers' Compensation Commission Appeal No. 91122, decided February 6, 1992. In this case, the claimant testified that she continued working after the incident occurred. The claimant testified that she was cleaning house on January 14, 2002, and that she felt pain when lifting a bag of laundry causing her to go to the emergency room. Having reviewed the record, we reverse the determination that the claimant had disability resulting from the injury of \_\_\_\_\_, beginning on January 14 and continuing through January 20, 2002, as against the great weight and preponderance of the evidence, and render a decision that the claimant did not have disability resulting from the injury of \_\_\_\_\_. The hearing officer's discussion in the decision sets forth the necessary requisites for finding that the laundry bag episode at home was the "sole cause" of any subsequent disability.

We affirm the hearing officer's determinations of injury and timely reporting. We reverse the disability determination and render a decision that the claimant did not have disability resulting from the injury of \_\_\_\_\_.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**NO  
(ADDRESS)  
(CITY), TEXAS (ZIP CODE).**

\_\_\_\_\_  
Margaret L. Turner  
Appeals Judge

CONCUR:

\_\_\_\_\_  
Judy L. S. Barnes  
Appeals Judge

\_\_\_\_\_  
Susan M. Kelley  
Appeals Judge